



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,630	08/28/2003	Stephen T. Cook	DSGZ 2 00016-3	7500
7590	07/07/2005		EXAMINER	
FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP			CRANE, DANIEL C	
7th Floor			ART UNIT	PAPER NUMBER
1100 Superior Avenue				3725
Cleveland, OH 44114-2516			DATE MAILED: 07/07/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/650,630	COOK ET AL.
	Examiner	Art Unit
	Daniel C. Crane	3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 May 2005.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 4-6 and 8-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 4- 6, 8, 10, 11 and 19 is/are allowed.
- 6) Claim(s) 9,12-18 and 20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

### **REJECTION OF CLAIMS ON FORMAL MATTERS**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 9 depends from a canceled claim and thus the scope of the subject matter is indeterminate. As to claim 17, failure to provide antecedence for “parallel lanes” renders the subject matter indefinite.

### **REJECTION OF CLAIMS OVER PRIOR ART**

Claims 12-15, 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Bachmann (6,015,062). See Figures 5A through 7 where the container end is produced with a dome region (see Figure 6C and dome structure 10) at the open end of the container end with a neck extending upwardly from the dome region. An opening is formed at the top of the neck while also forming an outward curl (see Figure 6G and Figure 7). Multiple thread lugs 35 are formed about the neck in a circumferential manner as shown in Figures 2, 2A and 5H (see the paragraph bridging columns 4 and 5). With reference to claim 18, this is considered inherent in Bachmann’s apparatus since the blank is cut from a sheet of material and drawn into cup shape (see column 4, lines 30-32) at the first station. Clearly, the waste is disposed of such that it is discharged in some manner.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bachmann (6,015,062) in view of Brown (5,062,287). Bachmann shows that the can end is formed along one lane comprising seven stations with the can end being transferred from one station to the next (see column 4, lines 24-60). It is well known in the can making art to produce can products using multiple lane stations so as to increase the output of the production line. Brown shows this to be common in the art. It would have been obvious to the skilled artisan at the time of the invention to have modified Bachmann's apparatus by duplicating the number of lines of stations using the concept taught by Brown so as to increase the production output.

#### **INDICATION OF ALLOWABLE SUBJECT MATTER**

Claims 4-6, 8, 10, 11 and 19 are allowed.

#### **RESPONSE TO APPLICANTS' COMMENTS**

Applicants' comments have been carefully considered, however, they are moot in light of the new rejections noted above, such being necessitated by applicants' amendment.

#### **FINAL OFFICE ACTION**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

## INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is **(571) 272-4516**. The examiner's office hours are 6:30AM-5:00PM, Tuesday through Friday. The examiner's supervisor, Mr. Derris Banks, can be reached at **(571) 272-4419**.

Documents related to the instant application may be submitted by facsimile transmission at all times to Fax number **(703) 872-9306**. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Examiner's Fax number is **(571) 273-4516**.

DCCrane  
June 29, 2005



Daniel C. Crane  
Primary Patent Examiner  
Group Art Unit 3725